IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 11432 of 2006(J)

OS.70/2004 of ADDL.MUNSIFF COURT,CHERTHALA

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PETITIONER:

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1. DR.K.K.JOHN, S/O.KURIAN, AGED 57 YEARS,
   CITY DENTAL CLINIC, INFANT JESUS BUILDING,
   HIGH COURT JUNCTION, KOCHI RESIDING AT
   VASANTHAM, KAIRALI STREET, KALOOR, KOCHI-17.

2. K,KUNJUMON, S/O.KURIAN,
   KALANKERIL HOUSE, KODAMTHURUTH,
   KUTHIATHODE, CHERTHALAI, ALAPPUZHA.

3. K.ANTONY, S/O.KURIAN,
   KALANKERIL HOUSE, KODAMTHURUTH, KUTHIATHODE,
   CHERTHALAI, ALAPPUZHA.

4. K.K.FRANSIS, S/O.KURIAN,
   KALANKERIL HOUSE, KODAMTHURUTH,
   KUTHIATHODE, CHERTHALAI, ALAPPUZHA.

5. K.K.MATHAI, S/O.KURIAN, KALANKERIL
   HOUSE, KODAMTHURUTH, KUTHIATHODE, CHERTHALAI,
   ALAPPUZHA.

BY ADV. SRI.NIDHI BALACHANDRAN

RESPONDENT:

N.K.CHELLAPPAN, S/O.KESAVAN,
KOLLAMPARAMBIL, PARAYAKADU (PO),
KUTHIATHODE, CHERTHALAI, ALAPPUZHA.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.11432 OF 2006

DATED THIS THE 15th DAY OF JANUARY, 2007

JUDGMENT

Petitioners are challenging Ext.P4 order passed by second Addl. Munsiff Court, Cherthala in I.A.2937/05 whereunder the immovable property belonging to petitioners was attached under Order XXXVIII Rule 5 of Code of Civil Procedure. The case of petitioners was that another property has already been attached and if that property is not sufficient, petitioners are prepared to furnish bank guarantee. If that be the case, petitioners are at liberty to furnish either bank guarantee or sufficient security before learned Munsiff and apply for an order to vacate the order of attachment.

Petition is disposed accordingly

M.SASIDHARAN NAMBIAR,JUDGE

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